

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KOHASHI

Serial No. 09/777,922

Filed: February 7, 2001



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Atty. Ref.: 925-175 JUL 12 2001

Group: 72810LOGY CENTER 2800

Examiner: Zarneke, D.

For: SEMICONDUCTOR LASER APPARATUS AND METHOD
OF PRODUCING THE SAME

* * * * *

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated June 11, 2001 holding the subject matter of claims 1-3 to be non-obvious and patentably distinct from that of claims 4-9, Applicant(s) hereby elect the invention of Group I, (upon which claims 1-3 are readable) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

Respectfully submitted,
NIXON & VANDERHYE P.C.

July 9, 2001

By: H. Warren Burnam, Jr.

H. Warren Burnam, Jr.

Reg. No. 29,366

HWB:lsh

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In re Patent Application of

KOHASHI

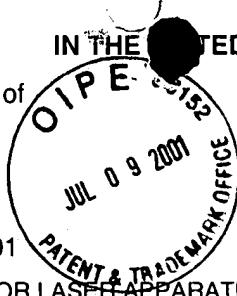
Serial No. 09/777,922

Filed: February 7, 2001

Title: SEMICONDUCTOR LASER APPARATUS AND METHOD OF PRODUCING THE TECHNOLOGY CENTER 2800
SAME

Assistant Commissioner for Patents

Washington, DC 20231



Atty Dkt. 925-175

C# M#

Group Art Unit: 2812

Examiner: Zerneke, D.

Date: July 9, 2001

#7
7-14-01

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JUL 12 2001

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

FEES ARE ATTACHED AS CALCULATED BELOW:

Total effective claims after amendment **9** minus highest number
previously paid for **20** (at least 20) = **0** x \$ 18.00 \$ 0.00

Independent claims after amendment **2** minus highest number
previously paid for **3** (at least 3) = **0** x \$ 80.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$270.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$390.00/2 months; \$890.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$710.00) \$ 0.00
 Please enter the previously unentered , filed
 Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00
 Applicant claims "small entity" status. Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: \$ 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
 By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: H. Warren Burnam, Jr.